

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

HERMÈS INTERNATIONAL and  
HERMÈS OF PARIS, INC.,

Plaintiff,

v.

MASON ROTHSCHILD,

Defendant.

Civil Action No. 22-cv-00384-AJN-GWG

**DECLARATION OF GERALD J. FERGUSON IN SUPPORT OF HERMÈS  
INTERNATIONAL’S AND HERMÈS OF PARIS, INC.’S OPPOSITION TO  
DEFENDANT MASON ROTHSCHILD’S MOTION TO STAY DISCOVERY**

I, Gerald J. Ferguson, hereby declare as follows:

1. I am a partner at Baker & Hostetler LLP, and counsel of record in this action for Plaintiffs Hermès International and Hermès of Paris, Inc (collectively, “Hermès”). I respectfully submit this declaration in support of Hermès’ Opposition to Defendant Mason Rothschild’s (“Defendant”) Motion to Stay Discovery.

2. On January 27, 2022, Hermès sent Defendant an email, attached hereto as Exhibit A, offering Defendant additional time to answer the initial complaint if Defendant agreed not to issue any new NFTs or other products or services identified by the METABIRKINS tradename. Defendant did not respond to that email.

3. Attached hereto as Exhibit B is a screenshot of the METABIRKINS storefront on the LooksRare NFT marketplace as it exists on April 15, 2022. The METABIRKINS storefront is also accessible at

<https://looksrare.org/collections/0x566b73997F96c1076f7cF9e2C4576Bd08b1A3750#items>.

4. Attached hereto as Exhibit C is a screenshot of a March 10, 2022 tweet from the @MetaBirkins Twitter account, also accessible at <https://twitter.com/MetaBirkins/status/1502106881174622208>.

5. Attached hereto as Exhibit D are screenshots of a March 17, 2022 tweet from the @MasonRothschild Twitter account, also accessible at <https://twitter.com/MasonRothschild/status/1504602332192858112>.

6. Attached hereto as Exhibit E are screenshots of Defendant's March 17, 2022 stories on the @masonrothschild Instagram account.

7. Attached hereto as Exhibit F are screenshots of Defendant's April 11, 2022 post to his @masonrothschild Instagram account, also accessible at [https://www.instagram.com/p/CcLVeY\\_pVz6/](https://www.instagram.com/p/CcLVeY_pVz6/).

8. Attached hereto as Exhibit G is a screenshot of an April 6, 2022 retweet from the @ILYYWNFT Twitter account.

9. Attached hereto as Exhibit H is a screenshot of the Weird Times: Volume One linked from Exhibit G, also accessible at <https://mirror.xyz/0xD6F0E7d50B6F39796c38681aDe7bf5a93bE501b0/7o4PYmgkZkjg9hsZaLMRLP3gz7Wtj4yCX8O81G7RmXE>

10. Attached hereto as Exhibit I is a screenshot of a April 14, 2022 post on the ILYYW Discord page.


11. Attached hereto as Exhibit J is a true and correct copy of the *Vogue* October 8, 2021 article titled, "The Best Fashion Boutiques in the Country, According to *Vogue* Editors," also accessible at <https://www.vogue.com/article/fashion-boutiques-around-the-country>.

12. Attached hereto as Exhibit K is a true and correct copy of the February 26, 2022, *Vogue* article titled “Could wearing your NFTs be 2022’s next big trend? Here’s a deep-dive,” which is also accessible at <https://vogue.sg/wearable-nfts-trend-bored-apes/>.

13. Attached hereto as Exhibit L is a true and correct copy of the March 27, 2022, *Forbes* article title “How Luxury Retail’s Big Metaverse Fashion Week Experiment In Decentraland Played Out With Virtual Stores, NFT Wearables, A Bored Ape Collaboration And More,”, which is also accessible at <https://www.forbes.com/sites/stephaniehirschmiller/2022/03/27/how-luxury-retails-big-metaverse-fashion-week-experiment-in-decentraland-played-out-with-virtual-stores-nft-wearables-a-bored-ape-collaboration-and-more/?sh=9a69fe348176>.

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 15, 2022  
New York, NY

By:   
Gerald J. Ferguson